

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ACE AMERICAN INSURANCE COMPANY a/s/o VITO  
MARRERO and THE STANDARD FIRE INSURANCE  
COMPANY a/s/o ARNOLD MINTZ,

Plaintiffs,

-against-

**ANSWER**  
07 CV 11284  
Judge Hellerstein

S/V GLASS SLIPPER in rem and DOMINICK VISTOCCO in  
personam,

Defendants.

-----X  
Defendant, DOMINIC VISTOCCO, by his attorneys, KOORS AND JEDNAK, answering the  
verified complaint of the Plaintiffs herein, alleges, upon information and belief, as follows:

**PARTIES**

**FIRST:** Denies any knowledge or information sufficient to form a belief as to each and  
every allegation contained in paragraphs marked and designated 1, 2, 3 and 4 of the complaint.

**JURISDICTION**

**SECOND:** Denies any knowledge or information sufficient to form a belief as to paragraph  
marked and designated 6 of the complaint and refers all questions of law to the Honorable Court at the  
time of trial.

**FACTS**

**THIRD:** Denies any knowledge or information sufficient to form a belief as to each and  
every allegation contained in paragraphs marked and designated 7 and 8 of the complaint.

**FOURTH:** Denies each and every allegation contained in paragraph marked and designated  
9 of the complaint.

**COUNT I**

**ACE AMERICAN INSURANCE COMPANY v. DEFENDANT**

**FIFTH:** The Defendant repeats and reiterates all the admissions and denials contained in the foregoing answer, with reference to those paragraphs repeated and reiterated in the paragraph marked and designated 10 of the complaint.

**SIXTH:** Denies any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs marked and designated 11, 12, 13 and 16 of the complaint.

**SEVENTH:** Denies each and every allegation contained in paragraphs marked and designated 14 and 17 of the complaint.

**EIGHTH:** Denies any knowledge or information sufficient to form a belief as to paragraphs marked and designated 15 and 18 of the complaint and refers all questions of law to the Honorable Court at the time of trial.

**COUNT II**

**ACE AMERICAN INSURANCE COMPANY v. DEFENDANT**

**NINTH:** The Defendant repeats and reiterates all the admissions and denials contained in the foregoing answer, with reference to those paragraphs repeated and reiterated in the paragraph marked and designated 19 of the complaint.

**TENTH:** Denies any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs marked and designated 20, 21, 22 and 25 the complaint.

**ELEVENTH:** Denies each and every allegation contained in paragraph marked and designated 23 of the complaint.

**TWELFTH:** Denies any knowledge or information sufficient to form a belief as to paragraphs marked and designated 24 and 26 of the complaint and refers all questions of law to the Honorable Court at the time of trial.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

**THIRTEENTH:** That if the Plaintiffs were caused to sustain injuries and damages at the time and place and in the manner alleged in the complaint, said injuries and damages were caused or contributed to by reason of the carelessness, recklessness and negligence of the Plaintiffs, and the amount of damages recoverable by the Plaintiffs shall be diminished in proportion to which the culpable conduct attributable to the Plaintiffs bears to the total culpable conduct which caused the damages.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

**FOURTEENTH:** That the Complaint fails to allege sufficient fact to state and constitute a proper cause of action against the defendant.

**WHEREFORE,** the Defendant, DOMINIC VISTOCCO, demands judgment dismissing the complaint herein, together with the costs and disbursements of this action, and such other and further relief as the Court deems just and proper.

DATED: Bronx New York  
February 5, 2008

KOORS AND JEDNAK

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**CAROL M. WICKHAM**  
**Notary Public, State of New York**  
**No. 01W14824908**  
**Qualified in Westchester County**  
**Commission Expires June 30, 2010**